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NAVY FOR CNO-N5JA AND DIRSSP
AIRFORCE FOR HQ USAF/ASX AND ASXP
DTRA FOR OP-OS OP-OSA AND DIRECTOR
NSC FOR LOOK
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E.O. 12958: DECL: 11/06/2019
TAGS: [KACT](#) [MARR](#) [PARM](#) [PREL](#) [RS](#) [US](#) [START](#)
SUBJECT: START FOLLOW-ON NEGOTIATIONS, GENEVA (SFO-GVA-VI):
(U) INSPECTION PROTOCOL WORKING GROUP MEETING, OCTOBER 26,
2009, P.M. SESSION

Classified By: A/S Rose E. Gottemoeller, United States
START Negotiator. Reasons: 1.4(b) and (d).

- ¶1. (U) This is SFO-GVA-VI-028.
- ¶2. (U) Meeting Date: October 26, 2009
Time: 4:00 - 6:00 P.M.
Place: U.S. Mission, Geneva

SUMMARY

¶3. (S) The third meeting of the U.S. and Russian Inspection Protocol Working Group (IPWG) was held at the U.S. Mission on October 26, 2009. The IPWG continued its review of Section V of the Inspection Protocol (IP) (General Rules for the Conduct of Activities). Key issues were the U.S. and Russian views on the time limit to transport the inspection team from the point of entry (POE) to the inspection site, the need for sequential inspections, and the rules for photography at the inspection site. Other important issues discussed were items of inspection (IOI), the rights of inspectors to possess and use documents and equipment at the inspection site, requesting clarifications during inspections, and the process for documenting ambiguities. Unresolved issues included the separate treatment for mobile ICBMs, inspection nomenclature, and whether the second tier of the treaty will be designated a "protocol" or an "annex."

¶4. (U) Subject Summary: Introduction to Review of Section Five; Transfer Time to the Inspection Site; Sequential

Inspections; Continuing Paragraph-By-Paragraph Review;
Clarifications and Ambiguities; and, Wrap Up.

INTRODUCTION TO REVIEW
OF SECTION FIVE

¶15. (S) Dr. Warner opened the meeting by proposing to continue work on Section V (General Rules for the Conduct of Inspection Activities). Col Ilin agreed and handed the U.S. Delegation the Russian-proposed Joint Draft Text (JDT) of Sections I (General Obligations) and II (Provisions Concerning the Legal Status of Inspectors, Monitors and Aircrew Members). Ilin noted two things: (1) in lieu of referring to inspection types, the documents used the generic term "inspection activities;" and (2) pending final resolution regarding whether the second tier document will be called a "protocol" or an "annex," the document will remain officially unnamed. (Begin comment: The U.S. Delegation continued to speak of the tier 2 "protocol" and the tier 3 "annexes." End comment.)

¶16. (S) Warner thanked Ilin and provided the Russian Delegation a U.S.-proposed short draft text (text follows below) combining U.S. paragraphs 7 and 8 and Russian paragraph 5, which addressed the composition of the in-country escort contingent and communications for the inspecting Party.

Begin text:

At a site for inspection activities, representatives of the inspected facility shall be included among the in-country escort. The inspected Party shall ensure that a member of the in-country escort at the facility is continuously available to inspectors either in person or by telephone. ((Throughout the period of stay at the point of entry, or at the inspection site, the inspected Party shall ensure that the inspectors can be in communication with the embassy of the inspecting Party located on the territory of the inspected Party using telephonic communications provided by the inspected Party. The inspected Party shall also provide means of communication between inspection team subgroups. Such means of communication shall be under the control of the inspected Party))1.

End text.

¶17. (S) Warner stated that this covered three issues: (1) representatives of the inspected facility being included among the in-country escort team; (2) the availability of the in-country escort to the inspection Party; and, (3) the availability of communications between the inspection team, and its embassy on the inspected territory, as well as between subgroups of the inspection team. Ilin agreed that the text was logical and that his delegation would review it.

TRANSFER TIME TO
THE INSPECTION SITE

¶18. (S) Warner explained that paragraph ((9))1((6))2 in the U.S.-proposed JDT (Begin comment: "1" represents a U.S. proposal and "2" represents a Russian proposal. End comment.) provided time limits for transporting the inspecting team from the POE to the inspection site. Warner noted that the U.S. proposal listed 9 hours and the Russian proposal 18 hours. He also noted that both sides differed in describing the time of site designation. Mr. Smith added background by explaining that the Strategic Arms Reduction Treaty (START) Notification Format 116 was provided typically 16 to 24 hours in advance of an inspection Party's arrival at the POE. The time referenced in paragraph 9 was the time

stated for site declaration in the Format 116. Smith noted that this time started the clock for transporting the inspection team to the inspection site. Ilin countered that the Russian version was easier because it simply stated that the inspecting Party designated the inspection site after arriving at the POE. Col Ryzhkov added that the Russian version provided more flexibility. Warner steered the discussion back to the 9 versus 18 hours prescribed for transporting the inspection team to the inspection site. Ryzhkov stated that Russia's figure of 18 hours was based on START experience. As an example, the flight from the POE to Orsk takes 4 hours, and then 4 more hours were needed to transport the team to the inspection site. Ryzhkov gave other examples and argued that inspectors such as Mr. Rust and Smith would agree with his point. Warner replied that the U.S. 9-hour limit was also based on START experience and in most cases, 9 hours was sufficient. However, he would consider raising the limit to 12 hours. Ilin said that he would review this, but, for now, 12 hours was acceptable.

¶9. (S) On the same paragraph, Ilin stated that he had an issue with the mobile ICBM concentration time (24 hours). (Begin comment: This was a carry-over from STAR, which required mobile ICBMs deployed in the field to return to their base within 24 hours after an inspection of their base was declared so that they could be inspected and, therefore, was the basis for the 24-hour limit for transporting the inspecting Party to the site for inspections of mobile launchers of ICBMs. End comment.) Warner replied that he recognized that the mobile ICBM issue was controversial so this phrase could be re-written as a separate sentence. It would basically read: "With respect to inspections at bases for mobile launchers of ICBMs, the inspected Party shall transport the inspecting team to the inspection site no later than 24 hours after that time." Warner stated that he would provide the Russians this proposal in writing.

SEQUENTIAL INSPECTIONS

¶10. (S) Warner turned the discussion to sequential inspections which were also covered by paragraph 9. He noted that the Russian side had no interest in sequential inspections due to the small maximum number of annual inspections called for in the Russian proposal. Warner pointed out that the ultimately agreed annual quota for the two major types of inspections will likely be higher, thereby making sequential inspections a relevant consideration for both sides. He offered to highlight this section and return to it when the agreed annual quotas of inspections were resolved.

¶11. (S) Ilin declared that the Russian approach was to unify the treatment of all types of ICBMs. Therefore, making special provisions for mobile ICBMs during inspections would not be consistent with this philosophy. He noted that, since the transportation window for ICBM inspections varied from 9 to 24 hours, he proposed a middle figure of 18 hours. Regarding sequential inspections, Ilin agreed with Warner's analysis but stated that, even if the quotas were increased, it would still not be sufficient reason for the Russian side to favor sequential inspections.

¶12. (S) Warner summarized that the JDT will highlight this section and that the final quota will inform both sides' decisions whether sequential inspections will be useful. Likewise, the sentence addressing mobile ICBMs will also be bracketed. Warner stated that the U.S. side understood the Russian desire to treat all ICBMs, both silo-based and mobile, the same, but that the Russian side should recognize that this was not the U.S. approach. The treatment of mobile ICBMs was one of the principal issues that divided the two delegations and its appearance in this section was just one example. Warner also noted that the unique features of mobile ICBMs should not be the dominant factor in determining

inspection time limits for ICBMs in general. Warner recommended that this issue be set aside for now.

CONTINUING PARAGRAPH-
BY-PARAGRAPH REVIEW

¶13. (S) The detailed paragraph-by-paragraph review of Section V continued. Decisions were made as follows:

¶14. (S) Right of inspectors to bring material to the inspection site (paragraph ((10))1 of the U.S.-proposed JDT): Warner advocated keeping only the first few lines of this paragraph and placing the rest in the General Rules annex. He emphasized that the issue was the right of the inspection team to bring documents and equipment to the inspection site in accordance with Annex 3, General Rules for Conduct of Inspection Activities. This right was important and thus should stay at the protocol level. Ilin noted that the Russian version of the previous paragraph ((9))1((6))2 of the U.S.-proposed JDT) stated that the inspected Party must transport the inspecting Party and equipment to the inspection site. Therefore, the legal right to have the equipment at the site was implied. He suggested adding the word "documents" to this paragraph which would then cover paragraph 10. Warner stated that the U.S. side would consider this, but that the rest of the text should go to the annex.

¶15. (S) Right of monitors at continuous monitoring facilities (paragraph ((11))1 of the U.S.-proposed JDT): Warner noted that both parties had agreed to defer addressing paragraphs on continuous monitoring pending final decision regarding this issue.

¶16. (S) List of inspection equipment (paragraph ((12))1 of the U.S.-proposed JDT): Warner stated that this paragraph had been considerably shortened and that the remainder should go in Annex 3. Ilin replied that, upon reading the treaty text and other sections of this protocol, he noted that inspectors may need to bring equipment that was not agreed to in advance. In such cases, the Parties must decide whether to allow such equipment to be brought to the inspection site and how it would be used. Therefore, this portion of paragraph 12 should be retained in the protocol. Ilin had no objections to deleting sub-paragraphs (a) and (b).

¶17. (S) Right of inspectors to use equipment and rules for photography (second paragraph ((12))1 of the U.S.-proposed JDT): Warner noted that this paragraph addressed the right of inspectors to use equipment, especially cameras, and reflected the technology shift from Polaroid to digital photography. Ilin noted that the Russian version did not contain this provision, but agreed it should be part of the protocol. However, only the right to obtain photographs should be retained here. Specific procedures for obtaining them should be shifted into the annex. Ilin continued that this paragraph should outline the right of the Party to obtain such photographs. For example, each side would be allowed to keep one hard copy. Warner noted that the opening sentence is broader than just photography. It conferred to the inspectors the right to use authorized equipment and then went on to address cameras in particular. Ilin responded that this section addressed "inspection activities" which included exhibitions. Were the rules on photography the same for them as well? Warner replied that Annex J of the Memorandum of Understanding (MOU) had other provisions for photographs associated with technical exhibitions. Ryzhkov

agreed that paragraph 12 was acceptable. Ilin added that the right of each Party to keep one photograph should be retained in the protocol.

¶18. (S) Requesting clarification and making linear

measurements (paragraph ((13))1((7))2 of the U.S.-proposed JDT): Warner stated that the U.S. side had adopted both parts of paragraph 7 in the Russian version, specifically: (1) requesting clarification; and (2) viewing and making linear measurements. They were moved to paragraphs 21 and 13 of the U.S.-proposed JDT, respectively. Warner explained that moving the linear measurements portion to paragraph 13 was useful because this paragraph addressed the certification of such measurements. Warner continued that paragraph 13 addressed two important items: (1) the process of certification; and (2) the "three percent rule." Ilin asked if the "three percent rule" was found anywhere else in the treaty. Warner agreed to have his staff research this. There was additional discussion concerning whether it was necessary to include weight as a means of confirming the identity of an ICBM or SLBM. (Begin comment: The final sentence of paragraph ((13))1((7))2 referred to weight as well as other dimensions in the context of the "three percent rule." End comment.) Ilin acknowledged and agreed that the certification portion at a minimum should be kept in the protocol.

¶19. (S) Items of Inspection (IOIs) (paragraph ((14))1 of the U.S.-proposed JDT): Warner stated that the U.S. side believed that establishing IOIs were fundamental to inspections and therefore very important; he noted that the Russian version omitted them. Was this intentional? Ilin replied that they could not discuss IOIs because there had been no agreement on the names of inspection activities. After further prompting, Ilin stated that IOIs could be addressed at the first or second levels but with less detail.

¶20. (S) Items of continuous monitoring (paragraph ((15))1 of the U.S.-proposed JDT): As above, both sides had agreed to defer addressing continuous monitoring pending final decision on this issue.

¶21. (S) Items "large enough to contain" IOIs (paragraph ((16))1 of the U.S.-proposed JDT) and reference cylinders (paragraph ((17))1 of the U.S.-proposed JDT): Warner stated that paragraph 16 addressed inspector access to structures, containers, covered objects, etc., and paragraph 17 addressed reference cylinders. He noted that reference cylinders had been used throughout the START regime. Warner recognized that the two sides had not yet reached agreement on naming the inspections discussed in paragraph 17(a) (data update, formerly declared facility) and 17(c) (nuclear warhead) but hoped to obtain agreement later this week. Ilin replied that paragraph 16 should go to the annex, but paragraph 17 could stay in the protocol with the exception of the portion pertaining to mobile ICBMs. He also disagreed with sub-paragraph 17(b), which discussed nuclear armaments weapons storage areas. Ilin concluded that the first sentence in paragraph 17 (discussing reference cylinders) was acceptable, in principle, and diameters and lengths could be decided later. Warner agreed and requested that Ilin examine sub-paragraphs 17(a), (i) through (iii), noting that these subsections treated mobile ICBMs as a separate case.

¶22. (S) Reference cylinders for items of continuous monitoring (paragraph ((18))1 of the U.S.-proposed JDT) and size criteria (paragraph ((19))1 of the U.S.-proposed JDT): As above, both sides had agreed to defer addressing continuous monitoring-related material pending final decision on this issue.

¶23. (S) For inspectors unable to perform duties through no fault of the inspected Party (paragraph ((20))1 of the U.S.-proposed JDT): Both sides agreed to delete this paragraph as it was deemed unnecessary.

CLARIFICATIONS AND AMBIGUITIES

¶24. (S) Paragraph ((21))1((7))2 of the U.S.-proposed JDT

addressed requests for clarifications and the process for documenting ambiguities. Warner read the first line and noted that it was taken from paragraph 7 of the Russian proposal. He stated that the U.S. proposal added "such requests (for clarification) shall be made promptly" and stressed the importance of "promptly." Ilin preferred that the phrase just allow for inspectors to request clarification and leave it at that. Warner agreed.

¶25. (S) Moving on to ambiguities, Warner said the U.S. side considered this a serious issue and, therefore, necessary for inclusion in the protocol. The procedures to address an ambiguity that might arise during an inspection applied to all types of inspections and were essentially the core of the inspection process. It was in the interest of both sides to ensure that ambiguities were properly documented with appropriate photographs. Ilin queried, that since both sides had already decided that photography was permissible, why did it need to be readdressed here? Ilin wondered if the verbiage on photography vis-a-vis ambiguities was related to the treaty ratification process. Warner replied that photographs were addressed in other sections but in the context of record keeping, whereas this section addressed their use in the narrow scope of ambiguity documentation for future resolution. Ilin stated that this issue was already covered in "Inspection Reports" of Section 10 of the Russian version and 16 in the U.S. version. Warner replied that the U.S. Delegation would review these sections and emphasized that it was not the resolution of ambiguities but the process by which they are documented.

WRAP UP

¶26. (S) Warner concluded the meeting and stated that the next meeting of the IPWG would finish the last part of this section (Section V) and continue on with Section VI (Inspections of Deployed ICBMs, SLBMs and the Nuclear Warheads on Them). As a lead-in to the next session, Warner declared that it was important to consider how inspections (e.g., nuclear warhead inspections on ICBMs and SLBMs) are grouped and that, as both sides examine such inspections, delivery vehicles and launchers must also be considered.

¶27. (U) Documents exchanged.

-.U.S.:

-- Draft language for IP, Section V, U.S. paragraphs 7, 8 and Russian paragraph 5 combined.

- Russia:

-- Draft language for IP Sections I and II.

¶28. (U) Participants:

U.S.

Dr. Warner
Mr. Brown
Mr. Buttrick
Mr. Couch
Mr. Coussa
Mr. DeNinno
Mr. Dunn
Maj Johnson
Mr. Rust
Mr. Sims
Mr. Smith
Dr. Tarrasch
Mr. Shkeyrov (Int)

RUSSIA

Col Ilin

Mr. Ivanov
Col Izrazov
Ms. Melikbekian
Col Novikov
Gen Orlov
Gen Poznihir
Col Ryzhkov
Mr. Shevchenko
Mr. Smirnov
Gen Venevtsev
Mr. Vorontosov
Ms. Zharkih
Mr. Gayduk (Int)

129. (U) Ries sends.
GRIFFITHS